

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

LEON FOY#125322
PLAINTIFF,

*

V.

*

BOB RILEY, ET AL
DEFENDANT[S]

CIVIL ACTION NO. 2:05-CV-946-F

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AFFIDAVIT

STATE OF ALABAMA
ELMORE COUNTY

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC, IN AND FOR
SAID COUNTY AND STATE OF ALABAMA AT LARGE, PERSONALLY APPEARED LEON
FOY, WHO BEING KNOWN TO ME AND BEING BY ME FIRST DULY SWORN, DEPOSES AND
SAYS ON OATH AS FOLLOWS;


MY NAME IS LEON FOY#125322 I AM HOUSED AT ELMORE AT THIS TIME , I HAVE
BEEN IN PRISON 26 YEARS, I HAVE A LIFE SENTENCE OUT OF JEFFERSON COUNTY.
WHEN I CAME TO PRISON I WAS SENT TO DRAPER, I STAYED THERE FOR ONLY A
SHORT PERIOD OF TIME. THE WARDEN HERE AT ELMORE CORRECTIONAL FACILITY
WILLIE THOMAS ALLEGED IN HIS AFFIDAVIT THAT THERE HAS BEEN 0 ASSAULTS
DURING THE CURRENT FISCAL YEAR AND DURING THE PREVIOUS FISCAL YEAR THERE
WERE 14 ASSAULTS THROUGH THE TWELVE MONTH PERIOD. THE PLAINTIFF WILL
REFUTE THIS ALLEGATION BY OTHER INMATES SWORN AFFIDAVIT AND CURRENT
DISCIPLINARIES CLEARLY SHOWING THAT THERE HAS BEEN ASSAULTS ON OTHER
INMATES DURING THE CURRENT FISCAL YEAR. I DO, HOWEVER GIVE THIS STATEMENT
UNDER OATH, THAT SINCE I HAVE BEEN HOUSED IN B1 THERE HAVE BEEN SEVERAL
FIGHTS (ASSAULTS) THAT THE CUBICLE OFFICERS NEITHER THE ROVER OFFICER
KNEW OF. THERE WERE NO DISPUTE BY THE WARDEN IN HIS AFFIDAVIT THAT THE
PRISONS IN THE STATE OF ALABAMA ARE OVERCROWDED.

THE AFFIDAVIT BY WARDEN THOMAS FURTHER STATES "MAINTENANCE OF EXISTING STRUCTURES, SOUND CLASSIFICATION OF INMATES, TRAINING, AND STAFF THAT ARE TRULY DEDICATED TO PRESERVING ORDER AND PROTECTION OF THE PUBLIC HAS RESULTED IN A PRISON SYSTEM THAT IS CERTAINLY WITHIN CONSTITUTIONAL PARAMETERS. INMATES WITH A DEMONSTRATED PROPENSITY FOR VIOLENCE ARE CLASSIFIED ACCORDINGLY AND SEGREGATED FROM OTHER INMATES."

THIS STATEMENT IS HIGHLY IMPOSSIBLE, WHEN ON AN AVERAGE I HAVE WITNESSED APPROXIMATELY THREE(3) TO FOUR (4) FIGHTS A WEEK, WITHOUT ANY OFFICERS BEING AWARE OF THESE FIGHTS. MOST OF THESE FIGHTS OCCUR FROM DOMINANT INMATES OUT OF LARGER COUNTIES AGAINST INMATES FROM SMALLER COUNTIES WHOSE IN FEAR OF REPORTING THESE INCIDENTS FOR THE LACK OF INADEQUATE PROTECTION BY THE UNDER STAFFED INSTITUTIONS. WARDEN THOMAS IS ABSOLUTELY CORRECT CONCERNING THE EXTREMELY OUTRAGIOUS PRICES WITH THE TELEPHONE SERVICE. HOWEVER, THE DEFENDANT[S] WHO DID NOT REFUTE THE CLAIM OF THE PRICE GOUGING THAT WAS CLEARLY ALLEGED IN THE PLAINTIFF COMPLAINT ON THE TELEPHONE SERVICE. IN WARDEN THOMAS AFFIDAVIT HE ADMITS THAT THERE HAVE BEEN STAPH INFECTIONS THAT HAVE OCCURRED HERE AT ELMORE CF AND SAID THAT THERE HAS BEEN PROTECTIVE MEASURES SUCH AS SPECIAL LAUNDERING OF CLOTHING AND LINEN WHEN THIS STAPH INFECTION IS REPORTED OR DETECTED, YET IT IS VIRTUALLY IMPOSSIBLE DUE TO THE LAUNDRY SYSTEM THAT SERVES NOT ONLY ELMORE CF, BUT STATON CF, DRAPER CF, FRANK LEE CF, RED EAGLE CF TO PROTECT INMATES FROM TRANSMITTING THESE TYPE OF COMMUNICABLE DISEASES. WARDEN THOMAS AGAIN IS CORRECT BY STATING THAT THE KITCHEN AT ELMORE CF IS NEW, BUILT IN 1991 TO ACCOMMODATE THE ORIGINAL DESIGNED CAPACITY OF 600 INMATES INSTEAD OF THE 1,200 THAT IS BEING HOUSED HERE NOW. WARDEN THOMAS FURTHER STATED THAT ELMORE CF'S DORMITORIES ARE DOUBLE-BUNKED THROUGHOUT, WHICH IS STANDARD PRACTICE IN A CORRECTIONAL ENVIRONMENT.

WHICH CLEARLY DEMONSTRATES AN UNCONSTITUTIONAL CONDITIONS IN THE ALABAMA PENAL INSTITUTIONS, WHEREAS INMATES ARE BEING HOUSED IN ELMORE CF IN VIRTUALLY UNGUARDED OVERCROWDED DORMITORIES. WARDEN THOMAS AFFIRMED THE ALLEGATION OF THE COMPLAINT BY STATING IN HIS AFFIDAVIT THAT THERE IS NO DESIGNED HOSPITAL FACILITY ON SITE AT ELMORE CF AND THE ALLEGATION CONCERNING THE FACT THAT WE ARE BEING TRANSPORTED TO STATON HEALTH CARE UNIT TO RECEIVE FURTHER TREATMENT. THE AREA WHERE INMATES ARE BEING HELD UNTIL BEING TREATED IS EXTREMELY PACKED WITH MORE THAN IT CAN CONVENIENTLY HOLD AND ONLY ONE TOILET TO ACCOMMODATE APPROXIMATELY 60 TO 70 INMATES AT ONE TIME. THE SLEEPING SITUATION IS JUST AS REDICULOUS BY OFFERING ONLY FOUR BENCHES THAT IS ABOUT SIX FEET LONG (6'). FURTHERMORE, WITH STATON BEING SO FAR AWAY FROM ELMORE CF, WHERE WARDEN THOMAS AFFIDAVIT STATES "STATON CC IS LESS THAN ONE MILE FROM ELMORE CF" LESS THAN A MILE COULD DETERMINE AN INMATES LIFE OR DEATH.

THE PLAINTIFF FOY CONTENDS IN HIS AFFIDAVIT THAT THE DEFENDANT[S] HAS CLEARLY VIOLATED HIS AND ALL OTHER SIMILARILY SITUATED CURRENT AND FUTURE FEMALE/MALE STATE PRISONERS EIGHTH AND FOURTEENTH AMENDMENT RIGHTS TO BE FREE FROM CRUEL AND UNUSUAL PUNISHMENT.


LEON FOY #125322

STATE OF ALABAMA
ELMORE COUNTY

SWORN TO AND SUBSCRIBED BEFORE ME AND GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS THE 18th DAY OF Jan, 06


NOTARY PUBLIC

April 5 2008
MY COMMISSION EXPIRES:

Governor's gravest concern remains the number of inmates per corrections officer.



NEWS STAFF/TAMIKA MOORE

Gov. Bob Riley, foreground, and Prison Commissioner Donal Campbell look over the inmate area at Staton Prison. The inmates are housed in a sheetmetal building that once was a canning factory.

Riley visits 4 prisons on tour

By **CARLA CROWDER**
News staff writer

WETUMPKA — It was likely the only time in his troubled life he'd meet a dignitary, and prisoner Clarence Purnell had spaghetti sauce all over his hand as Gov. Bob Riley reached for a handshake.

Alabama doesn't buy napkins for convicts, so Purnell wiped his

hand on his white pants, and proceeded to answer the governor's questions with only minor profanity.

"This is a dog and pony show," Purnell told the governor.

Yet Riley stuck around a few more minutes in Draper's dining hall. He ate prison spaghetti with a plastic prison spoon and seemed to convince several men, maybe

even Purnell, that he was genuinely interested in their grim situations.

This supertime stop at Draper Prison was one of four prison visits for Riley on Monday, part of his ongoing tour of Alabama's prison system.

All afternoon, in typical Riley fashion, he shook dozens of hands, slapped folks on the back

and leaned in to listen to convicts' concerns as if they were the most important people on earth. He asked prisoners about their children, their jobs, their drug habits. He loosened his tie, sweated through his light-blue shirt and thanked employees for their dedication in such harsh places.

► See Riley, Page 6B

RILEY: Prisoners happy to see governor

► From Page 1B

"We've got to do something about the number of inmates," Riley said at the end of the day. "Until you walk through it, you really don't understand what the facilities are like."

One suggestion he offered was more community corrections drug treatment centers. "There's no need to bring them down here and incarcerate them when you can incarcerate them and treat them at local facilities for a much lower rate," Riley said. His gravest concern remains the number of inmates per corrections officer.

At Staton Prison, Riley climbed onto a platform to look across a sea of beds and bodies packed into a windowless sheet-metal building that used to be a garment factory. Before additional fans were recently installed, "It was like a sauna," said Staton Warden Willie Thomas.

Currently, 356 men are double-bunked there, at times with



NEWS STAFF/TAMARA MOORE

Gov. Bob Riley talks to inmate Anthony Reed at Draper Prison in Elmore County. "Tell me about it. What's it like in prison?" Riley asked. "Horrible," Reed said.

only one officer watching.

"The question that I've got, if something did break out, what do you do?" Riley asked Corrections Commissioner Donald Campbell.

"The officers leave. That's the safest thing to do," Campbell said.

In all, Riley spent more than four hours touring Tutwiler, Draper, Staton and Elmore prisons, all in Elmore County. Last week he visited Donaldson Prison and the Birmingham Work Release Center.

"Tell me about it. What's it like in prison?" Riley asked Draper inmate Anthony Reed. "Horrible," Reed said.

But Reed could not name any specific things the state could do to make Draper better, so they talked about his children for a little while.

"He seemed to be a pretty nice guy," Reed said later. "Seemed like he was really listening."

Riley was especially interested in drug treatment at Draper, saying he was about what

drugs doomed them to prison. All of them, sitting in a circle on red plastic chairs, raised their hands for alcohol.

He left them with advice he heard when a family member was addicted: "I'm not saying you can't get off drugs without a spiritual experience, but I've never seen it happen."

Riley asked his kindest words for a handful of prisoners in Staton's hobby shop, where well-behaved inmates work with leather and wood, and paint. They make intricate miniature houses and ships.

"Anybody that can do that does not need to be here," Riley told inmate Dennis Capps, who makes tiny houses from cedar. Capps was nervous, but proud. He licked his lips and cleared his throat a lot.

Riley told Capps about an old hunting cabin, and asked if he could make a reproduction. One of Riley's assistant's jotted the prisoner's name down.

Capps beamed. "He's supposed to send me a picture of the cabin, so I can make it."

In the cramped, dimly lit medical unit at Tutwiler Prison for Women, Riley learned that about 310 of the 750 Tutwiler inmates are in treatment for mental health problems.

Riley said that compared to some other prisons he's visited, Tutwiler did not appear crowded. "It's clean. It's neat. I think they're doing an exceptional job with the staff that they have," he said.

A 2002 federal lawsuit, settled earlier this summer, forced the state to reduce Tutwiler's population. Riley's visit was part of a treatment and counseling program. Summer is especially hot and throughout Alabama's unairconditioned prisons. And there is no respite in sight for the 23,600 inmates packed in space for 12,400.

Temperatures at times rise into the 90s.

Campbell, who was constantly wiping the sweat off his face as he walked through the prisons, said the heat has run employees off.

"In order to retain employees, we need a decent work environment," he said.

At least for some inmates, Riley's visit was a breath of fresh air. Inmate Brenda Wilder, who just arrived at Tutwiler Monday, grinned ear to ear as the governor walked passed.

"Awesome," she said. "He's a handsome man ... I never would have met the governor anywhere else."